

**BOARD OF APPEALS CASE NO. 4819**

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**BEFORE THE**

**APPLICANT: Deer Creek United  
Methodist Church**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to permit an  
institutional sign within the required  
front yard and road right-of-way;  
729 Chestnut Hill Road, Forest Hill**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 5/13/98 & 5/20/98**

**HEARING DATE: July 8, 1998**

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**Record: 5/15/98 & 5/22/98**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Deer Creek United Methodist Church, is requesting a variance to Section 219-12(D) and Section 267-19C(3) of the Harford County Code to permit an institutional sign within the required 50 foot front yard setback in an Agricultural District.

The subject parcel is owned by Deer Creek Cemetery, Inc. and is located at 729 Chestnut Hill Road in the Third Election District. The parcel is identified as Parcel 38 in Grid 4A on Tax Map 26. The parcel contains 3.5083 acres, more or less, all of which is zoned Agricultural .

Ms. Cheryl Harvey appeared and testified that she is a lay leader at the Deer Creek United Methodist Church and filed this application on behalf of the Church. Ms. Harvey said that the Church property adjoins the Deer Creek Cemetery and that Mr. Kenneth Grafton is the President of Deer Creek Cemetery, Inc. The witness said that the Church is proposing locating a sign with dimensions of 4 feet by 6 feet on the cemetery property approximately 8 feet from the road right-of-way. Ms. Harvey said denial of the variance would cause practical difficulty and she said she did not feel that approval of the variance would be detrimental to adjacent properties because Grier Nursery Road is very rural.

Mr. Kenneth Grafton appeared and testified that he is the President of Deer Creek Cemetery, Inc. and that he was present for and heard the testimony of Ms. Cheryl Harvey. Mr. Grafton said that he did not feel approval of the variance would impact the cemetery nor have an adverse impact on the neighborhood.

The Staff Report of the Department of Planning and Zoning recommends conditional approval.

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### **CONCLUSION:**

The Applicant is requesting a variance to locate an institutional sign eight feet from the road right-of-way in an Agricultural District.

Section 219-12(D) provides:

Permanent institutional signs. Signs of a permanent nature setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted if the setback is one-third (1/3) of the required building setback of the district. Illumination shall be in accordance with the restrictions set forth in Section 219-II. Such signs shall not exceed thirty-two (32) square feet for the overall structure and shall not exceed six (6) feet in overall height.

Section 219-17 of the Sign Code permits variances provided that the Board finds that:

“By reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship would result. “The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter.”

The uncontradicted testimony of the Applicant’s witness, Ms. Cheryl Harvey, was that the property owned by Deer Creek United Methodist Church is improved by stone post and mature trees and placement of a sign on that property would result in removal of the post and trees. The witness said she did not feel that the variance would impair the purpose of the Code and that denial of the variance would cause practical difficulty. Mr. Kenneth Grafton, President of the cemetery, also testified that approval of the variance would not impact the cemetery or impair the purpose and provisions of the Sign Code.

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It is the finding of the Hearing Examiner is that denial of the variance would cause practical difficulty on the Applicant. Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approval subject to the following conditions:

1. That the Applicant obtain all necessary permits and inspections for the sign.
2. If the sign design changes significantly, the design must be submitted to the Department of Public Works-Division of Engineering, for review and approval.
3. The lights that are utilized to illuminate the structure shall be aligned such that their direct beams are angled away from the road, or the sign is internally illuminated.

Date        JULY 24, 1998

L. A. Hinderhofer  
Zoning Hearing Examiner